

Exhibit 9

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Dey, Inc., et al.,
Civil Action No. 05-11084-PBS

Exhibit to the Memorandum In Support of United States' Motion To Exclude Certain Opinions
of W. David Bradford, PH.D

Gorospe, Kevin J. - December 3, 2008 09:14:00 a.m.

1:1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 -----X
4 IN RE PHARMACEUTICAL INDUSTRY)
5 AVERAGE WHOLESALE PRICE) MDL No. 1456
6 LITIGATION)
7 -----X
8 THIS DOCUMENT RELATES TO) Civil Action:
9 State of California, ex rel.) 01-12258-PBS
10 Ven-A-Care v. Abbott)
11 Laboratories, Inc., et al.)
12 -----X
13 --oOo--
14 WEDNESDAY, DECEMBER 3, 2008
15 --oOo--
16 VIDEOTAPED DEPOSITION OF
17 THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES
18 by J. KEVIN GOROSPE, Pharm.D.
19 --oOo--
20
21 Reported By: CAROL NYGARD DROBNY, CSR No. 4018
22 Registered Merit Reporter

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2:1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 -----X
4 IN RE PHARMACEUTICAL INDUSTRY)
5 AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456
6 -----X
7 THIS DOCUMENT RELATES TO) Civil Action:
8 United States of America ex rel.) 01-12257-PBS
9 Ven-a-Care of the Florida Keys,)
10 Inc., et al., v. Abbott)
11 Laboratories, Inc., Civil Action)
12 No. 06-11337-PBS; United States of)
13 America ex rel. Ven-a-Care of the)
14 Florida Keys, Inc., et al., vs.)
15 Dey, Inc., et al., Civil Action No.)
16 05-11084-PBS; United States of)
17 America ex rel. Ven-a-Care of the)
18 Florida Keys, Inc., et al., v.)
19 Boehringer Ingelheim Corp., et al.,)
20 Civil Action No. 07-10248-PBS)
21 -----X
22

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201:1 Kevin Gorospe.

2 We are on the record at 2:35 p.m.

3 BY MR. HENDERSON:

4 Q. Mr. -- Dr. Gorospe, referring back to
5 Exhibit 12, if you -- I'd like to direct your
6 attention to Section 447.301 in the upper
7 righthand corner of the first page,
8 "Definitions."

9 A. Okay.

10 Q. Do you see that?

11 And you see there's a definition of
12 "estimated acquisition cost," and it says
13 "'Estimated acquisition cost' means the agency's
14 best estimate of the price generally and
15 currently paid by providers for a drug marketed
16 or sold by a particular manufacturer or labeler
17 in a package size of drug most frequently
18 purchased by providers."

19 Do you see that?

20 A. Yes, I do.

21 Q. From time-to-time has Medi-Cal used the
22 term "estimated acquisition cost"?

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202:1 A. Yes.

2 MR. COLE: Object to the form.

3 THE WITNESS: Yes, we have.

4 BY MR. HENDERSON:

5 Q. And in your experience has Medi-Cal's
6 use of the term "estimated acquisition cost" been
7 consistent or inconsistent with the definition
8 that's shown here in this Exhibit 12?

9 A. Consistent.

10 Q. Now, we've handed you some additional
11 exhibits that have been marked, and what I'd like
12 to do is to -- for probably the next hour, maybe
13 two, ask you questions about the methodology
14 employed by Medi-Cal for determining the amount
15 of reimbursements to pharmacy providers for drugs
16 covered under the Medi-Cal fee-for-service
17 program and how that methodology has evolved and
18 changed over time.

19 These first few exhibits, I recognize
20 that they're dated before you were at the
21 Department, but I'd like to ask you to look at
22 what's been marked as Exhibit 13, which is a